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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC et al.,
Case No. 3:20-cv-05671-JD

Case No. 3:21-md-02981-JD

**GOOGLE'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
TRIAL EXHIBITS**

Judge: Hon. James Donato

1 Pursuant to Civil Local Rule 79-5, Google Defendants (“Google”) respectfully move the
2 Court to seal limited portions of two exhibits to be used in Court on November 9. These exhibits
3 contain non-public, highly confidential, and commercially sensitive financial figures, business
4 strategy considerations, and deal terms, the public disclosure of which is likely to result in
5 financial harm to Google. Moreover, these exhibits were previously sealed in *US et al. v. Google*
6 *LLC*, 1:20-cv-03010-APM (D.D.C.). Google has limited its sealing requests to mirror those
7 granted by the court in *US et al. v. Google LLC*.

8 The Ninth Circuit holds that sealing is appropriate where the “party seeking to seal a
9 judicial record” demonstrates “compelling reasons” that outweigh the “general history of access
10 and the public policies favoring disclosure.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d
11 1172, 1178-79 (9th Cir. 2006) (trade secrets were compelling reasons); *see also Fed. Trade*
12 *Comm’n v. Qualcomm Inc.*, No. 17-CV-00220-LHK, 2019 WL 95922, at *3 (N.D. Cal. Jan. 3,
13 2019) (confidential contracts, contract negotiations, and discussions of business strategy were
14 compelling reasons); *Krieger v. Atheros Commc’ns, Inc.*, No. 11-CV-00640-LHK, 2011 WL
15 2550831, at *1 (N.D. Cal. June 25, 2011) (long-term financial projections were compelling
16 reasons). As the Ninth Circuit has stated, “[s]ecrecy is a one-way street: Once information is
17 published, it cannot be made secret again.” *In re Copley Press, Inc.*, 518 F.3d 1022, 1025 (9th
18 Cir. 2008). As discussed in the declaration filed herewith, public disclosure of this information
19 will cause severe and irreparable harm to Google that outweigh the public interest in disclosure.

20 Google respectfully requests that the materials subject to this motion not be disclosed or
21 displayed in open court. Instead, this information should be provided to the jury in hard copy and
22 questions related to the two exhibits should be framed to avoid revealing this highly sensitive
23 confidential information to the general public and to third parties who may use it competitively
24 to their advantage.

1 Dated: November 9, 2023

Respectfully submitted,
By: Rishi P. Satia

2 **MORGAN, LEWIS & BOCKIUS LLP**

3 Rishi P. Satia

4 *Counsel for Defendants*

DECLARATION OF CHRISTIAN CRAMER

I, Christian Cramer, declare as follows:

1. I have been Finance Director for Defendant Google LLC ("Google") since March 2017 and have worked at Google since September 2007. I have personal knowledge of Google's practices concerning the confidentiality of its strategic business information. The facts set forth here are true and correct to the best of my knowledge, information, and belief, and are based on my personal knowledge of Google's policies and treatment of confidential information, the materials provided to me and reviewed by me, and/or conversations with other knowledgeable Google employees. If called upon as a witness in this action, I could and would testify from my personal knowledge and knowledge acquired from sources with factual foundation.

2. I submit this declaration in support of this Motion seeking to seal the non-public, highly confidential information identified below. As detailed below, there are "compelling reasons" to seal Google's highly confidential materials.

Google's Targeted Sealing Requests

The highlighted text in the below exhibits reflects Google's confidential, non-public financial information, deal terms, and related internal business strategy considerations regarding Google's Search and Play products. The public disclosure of the excerpts identified below is likely to cause Google competitive harm by giving its competitors and/or potential customers unfair and improper insight into Google's finances and strategic considerations. Competitors, customers, and/or potential customers, could use this information to gain an unfair advantage in competing against Google or in negotiations regarding commercial agreements.

Trial Exhibit	Highlights on Page(s)
Exhibit 624	-002, -004, -005, -006, -007, -010 to -013, -016, -017, -018, -029
Exhibit 1065	-001 to -004

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 8th day of November, 2023, in Mountain View, California.

DocuSigned by:



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Christian Cramer

E-FILING ATTESTATION

I, Rishi P. Satia, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Rishi P. Satia
Rishi P. Satia